

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition – PJP – GADWAL - Mahabubnagar District – Dharoor (Mandal) – Nallabavi H/o.Uppair (V) – O.P.No.94/97 & batch of (26 O.Ps) - Sanction of decretal charges of **Rs.66,82,891/-** Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 741

DATE:22.09.2009

Read :

- 1) From the Special Collector (LA) Bheema Project, Mahabubnagar District Lr.No.E/PJP/919/2008, dated:01.11.2008.
- 2) From the Secy.to CCLA, AP, Hyd Ref.No.SRP4/1139/08, dt:9.9.09.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, SSP, Kurnool has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.94/97 & batch of (26 O.Ps) pertaining to Nallabavi H/o.Uppair (V) Dharoor (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired the land to an extent of Acs.63-16 gts and Ac.2-39 gts in the limits of Nallabavi H/o.Uppair (V) of Dharoor (M) by fixing the market value @Rs.25,500/- for wet, @Rs.23,000/- for I.D and Rs.19,000/- for Dry lands vide Award No.23/1996, dt:07.08.1996 and Award No.33/1996, dt:10.12.1996 for the purpose of submergence under PJP. The awardees have filed their petitions U/s.18 of the L.A.Act. The Sr.Civil Judge, Gadwal had delivered the judgment on 29.09.2005 and enhancing the market value fixed by the LAO from Rs.25,500/- to Rs.74,000/- for Wet, Rs.23,000/- to Rs.74,000/- and Rs.19,000/- to Rs.51,800/-. Aggrieved with market value enhanced by the Lower Court, the SDC, LA, PJP, Gadwal has filed appeals before the Hon'ble H.C of A.P, Hyderabad against the judgment of the Sr.Civil Judge, Gadwal. The Hon'ble H.C of A.P, Hyd has granted interim stay order on 21.11.2005 and directed to deposit the Half of the decretal charges within the eight weeks from the date of order in O.P.No.94/1997 & batch (26 O.Ps) i.e 21.11.2005. Accordingly, an amount of Rs.46,54,239/- was sanctioned and deposited in the court of the Sr.Civil Judge, Gadwal on 06.04.2006. Finally, the Hon'ble H.C of A.P,Hyd has dismissed the appeals filed by the SDC, LA, PJP, Gadwal by confirming the judgment of the Lower Court on 13.11.2006 in A.S.No.1783/05 & batch. The SLP also filed and the Hon'ble Supreme Court of India ordered on 28.01.2008 vide C.C.No.746-771/2008 that "Inordinate delay of 184 days in filing of these petitions has not been explained properly. Application for condonation of delay is rejected.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.66,82,891/- (Rupees Sixty six lakhs eighty two thousand eight hundred and ninety one only)** in respect of O.P.No.94/1997 & batch of (26 O.Ps) pertaining to Nallabavi H/o.Uppair (V) Dharoor (M) of Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyd immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The expenditure sanctioned in para (2) ante shall be debitable to following Head of Account under "4701-SMJH -01-Major Irrigation -M.H.122 Jurala Project G.H.11 - NSP- SH (26) - Dams and Appurtenant works - 530 Major Works - 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.1416/F2(2)/2009-1, dated 29.04.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector (LA) Bheema Project, Mahabubnagar.
The Chief Engineer, Irrigation & CAD, MBNR, Errammazil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.3349//LA-III(A2)/2009
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER